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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/828,560 03/31/97 EGNOR

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EXAMINER
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GRAHAM, M	
ART UNIT	PAPER NUMBER

3613  
DATE MAILED:

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 1

Application Number: 09/828560

Filing Date: 03/31/97

Appellant(s): John Egnor

Timothy W. Chell  
For Appellant

Examiner's Answer

Pursuant to the Remand under 37 CFR 1.193(b)(1) by the Board of Patent Appeals and Interferences on 11/17/2000, a supplemental Examiner's Answer is set forth below: Receipt is acknowledged of the copies of Appeal Brief, which include a correct copy of the claims.

This is in response to the brief on appeal filed 3/27/2000.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

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**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 1-12.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 1-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

It is noted that the word "Said", in line 2 of claims 3, 8, 9, 10 and 11, is incorrectly capitalized.

**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

2,870,872

Rapp

1-27-1959

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2,441,627 Gregg 5-18-1998

2,077,514 Wilson et al. 7-9-1935

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 6/1, 7, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg in view of Rapp.

Gregg shows a wheel chock having front and rear ramps, a flat bottom, securing means relative dimensions.

Rapp shows a wheel chock having front and rear ramps, securing means 23 and two side walls 14.

It would have been obvious to one of ordinary skill in the art to have included a second side wall on the wheel chock and Gregg in view of the teaching of Rapp so as to lock the wheel on both sides. The relative dimensions would be based on the size of the associated wheel to chocked. The cleanliness of wheel chock is dependent on the associated care of the device.

Re claim 2, note flat extending surface 4 on Gregg.

Re claims 6/1, 6/2, 7, the walls of Rapp project from the upper surface to the same degree as that shown by applicants.

Re claims 10-11, the inclusion of holes in the flat extending surface of Gregg would have been obvious to one of ordinary skill in the art as a common type of fastening means and a substitute of known equivalent fasteners.

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Re claim 12, the recited method of use is inherent in Gregg, as modified by Rapp, as discussed above.

Claims 3, 4, 5, 6/3, 6/4, 8 and 9 are rejected under 35 U.S.C.(a) as being unpatentable over Gregg, as modified by Rapp as claimed to claims 1-2 above, and further in view of Wilson et al.

The claimed invention differs from Gregg, as modified by Rapp, only in angles of ramps.

Wilson et al. show the rear ramp having a greater slope than the front.

It would have been obvious to one of ordinary skill in the art to have formed the ramp portions at different angles so as to easily roll the vehicle into the chock as taught by Wilson et al.

**(11) Response to Argument**

Appellants remaining arguments relate to the affidavit supplied by Mr. Endsley, Mr. Endsley does not address the rejections at hand, does not appear to have any expertise in wheel chocks and fails to provide any statistics showing commercial success as argued.

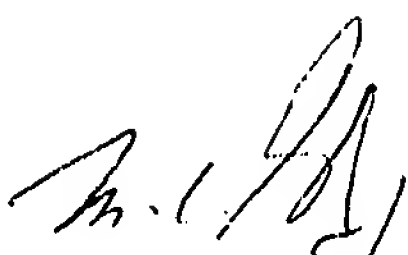
Appellants claims relate to a wheel chock. Wheel chocks are used to position devices having wheels. The position of the device, such as locating a piece of equipment so that it doesn't block a fire sprinkler, is the choice of the user of the wheel chock.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Graham-Carmen  
May 22, 2001

  
5/23/01  
**MATTHEW C. GRAHAM**  
**PRIMARY EXAMINER**  
**GROUP 310**